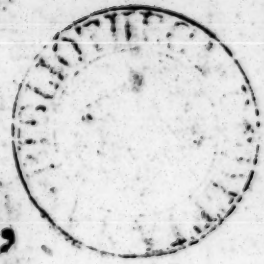


B. J. 11-727

A
LETTER
TO A
GENTLEMAN
FROM

His Friend in ORKNEY,



CONTAINING

The True Causes of the POVERTY of that
COUNTRY.

*By Mr. Thomas Hepburn Minister at Birsay
in Orkney.
NB. This Letter was written to Geo. Paton Esq.*

L O N D O N:
Printed in the Year M, DCC, LX.

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BY THE

EDITOR.

The occasion was this ; for several years past, the editor had heard many confused rumours of oppression exercised by the noble lord who is superior of *Orkney* towards his vassals : The process which has so long depended before the court of session about the *Orkney* weights being ultimately founded on the presumption of oppression, seemed to favour these rumours, and add to their credibility. The editor, however, resolved not to give entire credit to the clamour which had been raised, until he had procured the best information he possibly could obtain

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about the affairs of that part of *Scotland* so distant and so unknown.

It was well known that *M*—— was a zealous friend to our present happy establishment, a well-wisher of public liberty, and an enemy to tyranny and arbitrary power: His honour and integrity in private life had been heretofore unblemished and irreproachable, and few men so remarkable for their knowledge in philosophy and learning as his *L*——p is, were ever noted for acts of oppression, or a violent exercise of power.

These, with many other considerations, made the editor suspect that the clamour against *M*—— was ill founded; but as he never could learn on what proofs and facts it was grounded at all (which he will now be bold to affirm was the Case even with those who gave credit to it) he resolved to write to a friend residing in *Orkney*, on whose judgment and impartiality he thought he could depend, in order to come at the truth of this matter.

The following letter is his answer to all the letters wrote him on that subject: Besides this, the editor acknowledges his farther obligations to his correspondent for allowing him to publish it, and for authorising him to assure the public and all concerned, that if any persons think themselves injured by any falsehoods or misrepresentations which they may imagine to be contained in the letter, he will be ready to
acknowledge

acknowledge himself the author of it, to maintain what he knows to be true, and to save others from trouble on his account. He seems indeed to be perfectly easy as to any thing of that kind.

The reasons for publishing this letter at this time, are these; that the account given in it of many particulars of the situation of the state of trade, agriculture, fisheries and manufactories in *Orkney*, deserves to be known, as it may be useful both to that country, and to *Britain* in general.

The singular unanimity of the sentence of the court of session, in dismissing the process concerning the *Orkney* weights, and condemning the plaintiffs in full costs, *ex proprio motu* of the judges themselves, seems to justify all that is said in this letter concerning oppression or that process.

Any sentence of the court of session in matters of property is only regarded and talked of by the parties concerned; but this process about the *Orkney* weights was of a very singular nature, and perhaps the first attempt that has been made to deprive a nobleman of his estate, by traducing his character, and rendering him odious by the vilest calumny, and most undeserved defamation.

These calumniators have varnished their falsehoods with the fair colours of liberty and sacred freedom; but if they themselves are justly charge-

chargeable with that tyranny and oppression, of which they have most unjustly accused *M—*, undoubtedly they deserve to be exposed to the public, as cruel impostors and bad men.

If this letter shall be of any use in removing prejudices, and informing the public of truths hitherto concealed, or artificially disguised; if it shall be of general advantage to agriculture, fisheries and manufactures in that part of *Scotland*, then the editor's design in publishing it will be fully answered.

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L E T T E R, &c.

S I R,

YOU desire that I would inform you of the most obvious causes of the poverty of *Orkney*, which you have heard so much talked of for some time past. I frankly send you my sentiments on this subject, and wish they may give you that satisfaction which your opinion of me makes you to expect.

In a free country like ours, the poverty of any particular district must be owing to one or more of the following causes, *viz.* the climate, soil, situation, want of improvement in agriculture, neglect of manufactures and fisheries, destructive and illegal trade, luxury, that species of oppression which eludes the force of law, or, *lastly*, factions.

The climate of *Orkney* does not differ much from that of other parts on the east and north
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east of *Scotland*. In general it is more variable and uncertain, which is owing to the situation of the country. The greatest mischief occasioned by the climate is in autumn, when the wind blows mostly from the west and south west. These sometimes shake the corn; but being often attended with continued rains, endanger the crop much more by late harvests, and by rotting the corns. The remedy used by the farmers is worse than the evil itself, for they cut their corns green, sometimes before the ear is full, and always before it is ripened.

The arable land in *Orkney* lyes generally on the sea shores. It is in most places hot and light sandy soil. In some parts it is of a fine rich black mould. Towards the hills it turns more clayey and colder. I have never observed any strong clay in *Orkney*. The soil is not deep, and has generally a rocky bottom, the stone soft and brittle. There is plenty of seaweed or ware in all the islands; and where access cannot be easily had to that sort of manure, there is abundance of excellent marle, which is too little used, and with little skill. Earth and compound middens are in great vogue. In short, take soil and climate together, the *Orkney* islands are more proper for grain than any part of the west coast, and as fit for pasturage as most of the north east coast of *Scotland*.

Some parts of *Scotland* are necessarily poor by their situation, such as *Tweedale*, *Teviotdale*

dale, Lammermuir, and all the inland Highlands, as the inhabitants cannot supply the disadvantages of the soil and climate by commerce or fisheries, having no communication with other parts by the sea. It is true, the store farmers are generally rich ; but it is as true, that all countries which depend intirely on pasturage are ill inhabited and poor.

The situation of *Orkney* is very favourable to the numbers and wealth of the inhabitants. These islands lye very conveniently for trade, as any one may see, by looking over *Moll's* maps. There is plenty of fine harbours and bays. The seas abound with variety of fish. I believe, that fisheries (the most profitable and beneficial of all trades) might be established and carried on there to greater advantage than any where else in *Scotland* (the isles of *Zetland* excepted) where a considerable fishing is carried on, tho' not with that spirit and advantage it might be, on a better plan.

The progress of agriculture, you know, sir, depends in a great measure on the landlords: The flourishing state of agriculture in *England* is much owing to the humanity of the landlords ; most part of our *Orkney* lairds seem to be absolutely devoid of this divine principle ; they crush the spirit of improvement in the farmers, by short leases, grassums, numerous unlimited services, and many other hardships ; all the rents are payable in kind, and high prices are demanded
for

for deficiencies, which happen often ; so that two good crops are scarce sufficient to make up for one bad crop : This practice is attended with many bad consequences ; and it is evident, that it would be better both for master and tenant, if at least one half of the rent was payable in money, as *Orkney* (except in an extraordinary good season) scarcely produces more corn than is sufficient to maintain the inhabitants, after the rent is paid ; and upon the whole, their maintenance is very poor.

The state of agriculture is very rude in all these isles ; the tenants give plenty of manure to their lands in tillage ; and this is the only part of agriculture which they may be said to know tolerably well ; they are entirely ignorant of the art of keeping their grounds clean, and in good order ; hence their crop is frequently choked with weeds, is ill to be won, the grain is small, hungry, and often unwholesome ; they sow no grain but small rough bear, and black oats, alternately ; their plow has but one stilt, the plow-irons are so clumsy and short, that the furrow is very shallow and unequal, and must often be delved with spades ; their harrow is small, light, and timber-teethed ; they use no wheel-carriages, nor oxen plows, though their horses are but of the ordinary shelly kind ; they never fallow their corn lands, but near the hills they lay them lee for one year.

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How rude must agriculture be in that country, where they winnow all their corns through their fingers, instead of sieves, riddles, or fanners? What sort of farmers must they be, who fleece fine meadow grounds, to lay on their corn lands? What judgment will you form of one of their principal heritors, who being told, that this practice turned all his fine meadows into lakes and marshes, replied, 'That he cared not if they carried all the ground to one ridge, provided they paid him his rent.' Such a master surely discovers less discernment as to his real interest, than the tenant, who has only a three years tack, and at the end of it must lay his account with a removal, unless he pays a grassum for a new tack, of no longer duration than the former: In the rental of another considerable laird, there is so much stated for liberty of cutting or delving meadow or grass ground. It would tire your patience to mention all the instances of bad agriculture in *Orkney*, and the various methods employed to retard the spirit of improvement, by those very men whose interest it is to advance its progress: The masters set no examples of improvement to the tenants, nor do they bind their tenants to try such experiments as they are sure would not hurt them much, tho' they should not be attended with success: It would indeed be egregious folly in any tenant to go out of the common course on a three years

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lease. In short, the joint endeavours of master and tenant are wholly wanting, altho' these, together with careful experience and observation, would soon correct what may be amiss in the first essays, and enable them to adapt many valuable improvements to the nature of their own soil and climate.

The people of *Orkney* are as defective in their skill of grazing as in tillage: As most of their corn lands lye run-rig, so most of their pastures lye in commons; such commons as are surrounded by arable lands are quite bare, being yearly fleeced by the tenants, who burn great quantities of turf, the ashes of which they use for horse and cow litter, as they do straw in other places; the hill pasture is poorly stocked with black cattle and sheep, tho' able to maintain ten times the present number of each kind; their sheep generally run wild, without any shepherds; if the pasture is near the corn lands, they are either tethered, or coupled together like beagles; they never milk the ewes; instead of shearing the sheep, they pull the wool from the skin with their hands; they have but little wool, coarse and hairy, which obliges them to import great quantities yearly from *Leith* and *Zetland*; their swine also run wild, and do more mischief than they are worth, by rutting and tearing meadows and corn lands for roots: I assure you, I have seen oats sown on land which had no other tillage

village but this extraordinary kind of it. Cows, sheep and swine are all of a very small size; I imagine they have degenerated not a little for want of proper care; as they have few herdsmen, the corn suffers very much, being but ill fenced with fold dykes against the inroads of their wild cattle in the summer nights. The beneficial and ornamental improvement of planting is quite neglected in *Orkney*, where there is neither tree nor shrub; all aquatic trees one would think might grow in most places of the main land, but there has been no proper trial made of this improvement at any time. Only one kind of manufacture is carried on in *Orkney*, that of the spinning of linen yarn, which was ill received at first, as all innovations are, by rude and ignorant people; but the commonalty are now reconciled to it, and no wonder, for it brings to numbers of them yearly a pound for every shilling they were formerly possessed of: I am confident that the money spread among the poorest of the people by that manufacture, has this year and the last preserved the lives of many of them, who without it must have perished for want. It is to be feared, that the benefits which might accrue to *Orkney* by this Trade, as directed by law, will not be very lasting. An attempt was made, about five years ago, to carry it on, by paying the spinners with smuggled spirits, instead of ready money, than which nothing can be
more

more pernicious to industry, or to the health and morals of the people: This attempt was opposed by one man, but he was so unlucky in his opposition, and has paid so dear for it, that it will probably be the last effort to depress smuggling in our days in *Orkney*. Several persons who deal in this manufacture, pay the spinners in spirits and *Dutch* tobacco. I had almost forgot to tell you, that many *Orkney* landlords and their wives exact intollerable and burdensome services of spinning from their tenants: Little lintseed is sown in *Orkney*, tho' the soil is very proper for it. If the surface of the earth is so ill cultivated, you cannot expect to hear of any funds of wealth extracted from her bowels, tho' perhaps stratum of earth might be discovered, fit for various manufactures.—The lead mines in *Stromness*, *Hoy*, and other parts, may be a plentiful source of wealth to future generations, whose spirit and industry shall better deserve it than their idle forefathers. Whoever has a mind to try any manufacture in *Orkney*, will meet with this encouragement, that the price of labour is not high.

But the chief neglect in *Orkney* I take to be that of fishing, which might be here, as in the neighbouring islands of *Zetland*, the staple commodity of the country; but *Orkney* is so divided, the prejudices of the inhabitants so many, and almost incurable, that the union of any number of them, considerable

able enough for promoting this, or any other publick spirited scheme can hardly be expected. Fisheries will certainly recompense the nation all the expences the government shall at any time lay out, to encourage them in a proper manner. *Orkney* already furnishes many good sailors for the public service, and if the fishery was in a flourishing condition, it would be one of the best nurseries of seamen in *Great Britain*.—There was in the last century a very considerable fishing carried on here, partly by the inhabitants themselves, partly by strangers from *Fife*, and other parts to the southward; but now, and almost for sixty years past, this valuable branch of trade has been quite neglected; the fishing is now only prosecuted as far as the poverty and want of the inhabitants force them, from day to day, to seek in the sea an addition to that scanty subsistence which the land affords them. Smuggling, or illicite trade, the bane of every society where it prevails, falls next to be considered; this mischief, I am sorry to inform you, has made a rapid progress in *Orkney* for thirty years past; it is now at such an height, that the value of *Dutch* gin, *Dutch* tobacco, *French* brandies, wine, rum, tea, coffee, sugar, &c. yearly imported by smuggling, is equal, at a moderate computation, to two thirds of the yearly rent of the country; the great number of islands, creeks and bays, render this pernicious trade pretty
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safe ; the smugglers run few risks. But if the heritors, and others concerned, could be brought to exert themselves with proper vigour and unanimity, this trade might be suppressed ; instead of this, smuggling is carried on, in a manner with the general consent and concurrence of the country. The inhabitants of these isles, singular in all respects, cannot be brought to unite in any scheme, except such an one as is ruinous of the health and riches, as well as destructive of the morals of the whole people ; for this trade not only debauches mens minds, but enervates their whole frame, and to this solely is owing that scorbutic disorders, the native disease of the country, are more frequent and more inveterate than in former times ; that the people are indolent, unable to labour so much, and not so long lived as their forefathers. The worst circumstance of this trade is, that neither we nor our children have any prospect of seeing its progress checked.

You will easily guess from this account, that we have our share of luxury in *Orkney*, and no small one it is : Besides what is expended on smuggled goods, a considerable sum is yearly sent out of the country for other articles of luxury, such as flour, biscuit, cloth for the apparel of men and women, china, hard-ware, &c. &c. I have heard that there is more wheat bread eat in *Orkney* than in *Caithness*, *Sutherland*, and *Rossshire*.

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Be that as it may, I am sure there is more tea, punch, and spirits of all kinds drunk, more silks, velvets, cambrics, and other fineries, used in *Orkney*, in proportion to the wealth of the country, than in the richest counties of *Scotland*.

Luxury did not make its appearance in *Orkney* in consequence of wealth procured by industry; it was only imported like any idle fashion. Nor is it at this hour supported by industry, so that it must be more pernicious here than in other places, where trade flourishes.

In these confined islands, almost all the families of any standing are related to one another by the ties of blood. A stranger would readily fancy all the gentle people a family of cousins; nor would his fancy be wrong. Hence as relation is more permanent than fortune, there must be many unequal marriages. Now, whether the odds of fortune is on the side of the man or the woman, it is certain that they don't fix the rate of living according to the returns of their industry. They rather incline to imitate, in some measure, in every article of life, the manners and fashions of their rich relations. This makes luxury more general here, than in most places on the continent of *Scotland*. I know not what effects the great number of women may have; but as the younger sons of most families go abroad to push their fortune, the women of most families are to the men at least as four to one. Besides the articles already mentioned,

mentioned, 1000 *l.* *Sterling* goes yearly out of *Orkney* for horses, altho', with tolerable care and management, they might easily breed as many as would serve all their purposes; but instances of mismanagement are numberless.

To balance all these outgoings of money, *Orkney* has several good funds; the first and surest is the kelp, which, beside employing a number of poor people in the country, may, for twenty years past, have brought us 2000 *l.* *Sterling per annum*: Our butter, oil, cow hides, calf and rabbit skins, may perhaps bring 1500 *l.* more: The resort of shipping, particularly at *Stronness*, in time of war, may leave us somewhat more than 1000 *l.* The money brought home, or remitted by *Orkney* sailors, that which is gained by the hands employed in the free *British* and *Iceland* fisheries, by the spinning, and by export of bear, malt and meal, must be very considerable; but it is impossible to calculate these articles very accurately. If you take all these facts mentioned together, if you follow the most probable opinion, that our imports are to our exports, as three to four; and if you farther suppose, that tyranny and oppression are exercised by the landlords over their tenants, the consequence will be, *that the country must be poor.*

Undoubtedly one great cause of the poverty of any country is tyranny and oppression,

on of whatever kind. *Scotland* has felt the effects of it for many ages, and perhaps feels it just now as much as at any former period; for it is my opinion, that a military aristocracy, which has power for its object, is more generous and noble than that aristocracy, whose sole object is money and wealth.

Oppression is of two kinds: either such as is directly against the laws of the land, and consequently punishable by them; or such as arises from ancient usages, prejudices, and customs, from avarice, inhumanity, or other causes which elude the force of law. Instances of both kinds in *Orkney* could be adduced, tho' the first is rare, and feeble in its effects, when compared to the second, which is common over all *Scotland*, and more violently exercised in some northern counties than even in *Orkney*. This species of oppression consists of particulars already mentioned; such as short tacks, rents payable in every product of industry, entrymonies or grassums, numerous, and what is worse, undetermined services. These forever retard improvement, and keep the husbandman in such poverty, and so slavish a dependance, that he is continually subjected to a thousand nameless hardships. It is indeed impossible to enumerate every particular oppression which springs from these sources, or the various mischiefs occasioned by them.

But it may be necessary, as I have acknowledged oppression to be one of the causes of
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the poverty of this country, to point out to you who the oppressors are. The general presumption is, that oppression is on the side of power: In reality it is too often the case.

In *Orkney* the oppressors must be either *M—*, or the feuars and udalmen, so called, or both together. The only sure and infallible rule of judging in this affair, is by the state and condition of the tenants: Their happiness proclaims the generous master; their misery marks the abettors of oppression.

The tenants of *M—*'s property lands, which are immediately under the inspection of his factor, are the most flourishing, happy and industrious, of the whole country: They are better clothed, and live better than others of their station; they pay their rents punctually, and are well able to do so, having half of their rents payable in money, at an easy conversion. I will not compare these tenants with those of gentlemen of narrow fortunes, who are themselves ignorant of improvements in agriculture, and fettered by ancient prejudices: I may however compare them with *G—*'s tenants, who has as good an estate in *Orkney* as *M—* has there, in property lands, and is of the same rank and dignity.

I assure you that *G—*'s tenants are as poor as those of the meanest vassal in *Orkney*: I think them worse; for I do not remember that even in *Caithness* I ever beheld more dismal looks of poverty, misery, and all manner
of

of wretchedness, than his L——'s tenants presented to my sight.

It is at the same time true, that such of M——'s tenants as live at great distances from the main land, in the different islands, over whom it is impossible for his factor to have an immediate or frequent eye, are many of them poor, or at least in great arrears. But for this several obvious causes might be assigned, without having recourse to oppression by their master. One real and great cause of this is, that many of them labour run-rig with the tenants of the vassals; and unluckily for his L——, as well as for themselves, several of them are tenants to the vassals, as well as to M——.

That the poverty of this class of tenants is not imputable either to his Lordship, or his factor, you will readily acknowledge, when you are informed of the following particulars, *viz.*

That notwithstanding there are great arrears due by them, yet instances of their being removed are very rare: No service whatever is exacted from them: — Instead of their rents being augmented, considerable diminutions have been made: — Not a sixpence of grassum, or entry-money, has been demanded from any of them, whether in worse or better circumstances.

If I am rightly informed, all the grassums exacted from the other more substantial tenants who live under the factor's eye, amount to no more than 17 *l.* 15 *s.* 8 *d.* *Sterling*, or 213 *l.* 8 *d.* *Scots*, in the course of near twenty years, during

ring which the present factor has been concerned. Surely this is but a small exaction on an estate of five hundred pounds a year, and is far from betraying a spirit of oppression, either in the proprietor or his factor. I wish I could say any thing in praise of the humanity of the heritors; some of them are worse than others.

Before I go further, I must own to you, that when I consider the want of industry, discernment and union among the inhabitants of these islands, I think it next to impossible to recover agriculture, fisheries, and manufactures, from their present languishing condition, unless the noble Lords above-mentioned shall exert themselves to support them, to encourage them by their patronage, and assist them by their interest; they would find their account in so doing: Nor would it be unworthy of the public to give attention to what good things might be done in *Orkney*, especially by fisheries.

The following particulars will serve to make all I have said plainer to you.

There are many tenants in *Pomona*, or main land, who pay no more than twenty or thirty pounds *Scots* of yearly rent, who have three masters, some of them not worth an hundred, others not worth fifty merks *Scots per annum*; each of whom, however, demands services from their conjunct tenant at pleasure. Is not his condition to be pitied? There are estates in *Orkney* of 300 merks *Scots* a-year, the entry-money of which amounts, every third year, to 400 merks,

merks, besides taxes of various kinds, such as bringing up calves, lambs, poultry, and the like.

There are masters, who, when M—— exacts from them four shillings for the meil of bear, or seven and sixpence for the meil of malt, can, without shame, exact from their own tenants five shillings for the one, and ten for the other. This is cruel in a poor laird, and yet G——'s tenants have been used in this manner this very year.

There are ten thousand people in the main land, besides the inhabitants of *Kirkwall* and *Stromness*: The real yearly rent of it does not amount to three thousand pounds *Sterling*. A fine island, and a cheap rent, if we could suppose ten thousand lazy people comfortably maintained, and clothed by the produce of it.

The number of inhabitants in *Orkney* is agreed to be, at least, five and twenty thousand.

The real rent of the whole islands, property and superiority, in butter, oil, meal, malt, bear, money, &c. at the common conversion, does not exceed seven thousand pounds *Sterling*.

The butter and oil, which are paid in consideration of the pasture lands and the fishing, make a considerable part of this rent, consequently there must be the less ground in tillage.

Near one third of the rent is payable to the noblemen, and may, according to the pleasure or interest of these L——, be drawn out of the country in kind. If we also suppose that
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many of the heritors send their rents out of the country, the funds of subsistence for the inhabitants will be extremely diminished ; and every body knows that this is the case.

In a country where the being and subsistence of the farmers and commons depend, in a great measure, on what they can day by day draw out of the sea with their own hands, neither agriculture nor fishing can be carried on to purpose, the one will necessarily be an obstruction to the other.

Under all these circumstances, if you are not astonished how the souls and bodies of five and twenty thousand people are kept together, you will, at least, be at no loss to account for the poverty of *Orkney*.

But I am well aware that you will say, that tho' it is acknowledged, and cannot be refused, that *M——* is the best master to his tenants in all *Orkney*, yet he oppresses his vassals grievously, which obliges them in their turn to oppress their tenants. If this is true, it ought to be assigned as one great cause of the poverty of the country ; this will be soon known ; some of the vassals have a process just now depending before the court of session, at their instance, against *M——*, on the presumption, that his *L——* and his predecessors have, by degrees augmented the weights, by which the feu-duties are payable no less than three-fifths above the original standard.—Until that process is determined,
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the cry of oppression will be generally against him.

I am no lawyer, and can only judge of the merits of this process by common sense, by facts and circumstances which have occurred to my own observation, and from the sentiments and acknowledgements of the country in general. I have nothing to offer to you but some of these popular arguments that I have heard thrown out in common conversation, and perhaps not very skillfully managed: You, who have an opportunity of hearing the lawyers on both sides, will be better able to judge of the merits of the cause.

The capital argument of the plaintiffs, and that on which their whole cause rests, is founded on the difference betwixt the *Norway* weights and those of *Orkney*; which latter were borrowed from the former, *Norway* being the mother-country. The *Orkney* weights retain the *Norse* names, but are confessedly larger than the weights expressed by the same terms in *Norway*; and have consequently been so much increased, from time to time, by tyrants and oppressors, to the great detriment of the vassals, and of the whole country.

To this it has been answered, That it is now more than two centuries since *Orkney* was alienated from the crowns of *Denmark* and *Norway*; during which period, many generations and their works have been buried in oblivion, and all human customs and usages have under-
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gone many changes. To affirm that the standard weight of any district at present ought to be regulated by what it was three hundred years ago, must be very whimsical; nor is it less ridiculous to attempt to regulate the standard weight of one country by that of another, even tho' the one happens to be a colony of the other. In the *British* empire in *America*, the colonies have borrowed from their mother-country the terms of pounds, shillings, and pence; but if any man should take it just now in his head, that these terms expressed equal sums of money in the colonies and their mother-country, he would be egregiously mistaken. If an antiquarian three hundred years hence shall write a book to maintain and prove such such an opinion, he will not be less mistaken; tho' perhaps the obscurity occasioned by length of time, and the sameness of the terms might render his opinion so plausible to many interested people, that he shall gain many proselytes. *Scotland* borrowed the terms pounds, shillings, and pence, from *England*; but the sums expressed by these terms are very different in the two nations. In the southern counties of *Scotland* the measures of corn differ not only from the *Linlithgow* measure, but also from one another, tho' they are all expressed by the same terms, bolts, firlots, pecks, lippies, or forpets.

Any sensible antiquarian will discover in the history of all the migrations of mankind the
truth

truth of the following observation, " That all
 " nations who borrow languages and terms from
 " other people, as colonies do from their mo-
 " ther-country, always take the liberty to ac-
 " commodate the terms to their own situation
 " and circumstances," and the general rule of
 acting in these cases is, " That the terms ex-
 " press more or less of any commodity, ac-
 " cording as there is more or less of that com-
 " modity than in the country whence the terms
 " were borrowed." Now, little or no corn
 grows in *Norway*; in *Orkney* it is the staple
 commodity, and the weights of grain must be
 large, because there must be a considerable
 quantity of it for the least use.

It is well known to the retailers in *Edinburgh*,
 that when they used to buy butter and cheese
 from these counties which were remarkable for
 these products, a considerable profit used to arise
 from the difference of the weights by which
 they bought, and those by which they retailed.

The next argument of the plaintiffs consists
 in instances of oppression, by raising the weights.
 I have been told that these instances were in-
 sufficient to prove a general increase of the
 weights: Nay, I have heard that the instances
 alledged were void of any foundation in truth
 and fact.

They aver, that *Patrick Stuart*, Earl of
Orkney, augmented the weight of the lispund
 from fifteen to eighteen pounds. Nevertheless,
 when he was prosecuted, and put to death, for
 several acts of treason and oppression, committed

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by him in *Orkney*, there is not the least mention in his indictment that he had ever attempted to increase the weights. The indictment of this grievous oppressor consisted of 12 or 13 articles, but none of them more full of iniquity than this, had it been true.

An hundred years and more after his death, and thirty before this process was commenced, the family of *M——* was opposed with success by a number of *Orkney* gentlemen; but, in the height of all their opposition, it never once entered into their heads, that the weights had been increased; yet they were, at least, as wise as the present lairds, and must have known and felt such an increase more thoroughly (had it really been the case) than those who came thirty years after them.

There are two circumstances which fall within the observation of every thinking person here, relative to this process, which the plaintiffs have never been able to answer.

The first is, that the quantities of meal allowed for the yearly, monthly, or weekly maintenance of workmen or labourers are the same, and expressed by the same names of weights, that they were an hundred years ago. If you reduce this allowance, after the model of the standard weights insisted on by the pursuers, that is three fifths, it will not be sufficient to maintain one labouring man, much less his wife and family; it is now but barely sufficient for that purpose.

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The second circumstance is the state of the ministers stipends, which, at the commencement of this process, were at an average below the *minimum*, or eight hundred merks *Scots*. These stipends have been payable, time out of mind, in the same manner as they are at this day; that is, in so many meils of malt or bear, and so many barrels, lispunds, and merks of butter. The ministers have now only a scanty competence; but if their stipends were to be paid by weights, reformed according to the standard proposed by the plaintiffs, the clergy would be in a state of beggary; they would be so far from being able to maintain wives and families, that they could not furnish meat, drink, and decent clothes for themselves.

Another argument much insisted on by the plaintiffs, is, That the feu-duties payable by them are much higher than those paid by most of the crown-vassals any where else in *Scotland*. The fact is admitted.

But it is affirmed on the other side, that the inhabitants of these islands were never remarkable for military skill and capacity; tho' they had possessed this turn of mind, yet, their remoteness and disunion from *Scotland* and *Denmark* would have rendered it useless to those kingdoms; it could have only given rise to domestic broils. This being the case, the superiors, or tacksmen of these islands, found it always more advantageous to exact their rents in kind, or in money, and even to heighten them rather than diminish them, or exchange part of them

them for military tenures and services. Assuredly the fate of *Scotland* or *Denmark* has been, and will always be decided before such military services could be obtained, perhaps before they could be demanded.

I have already taken notice of some circumstances of M——'s conduct, with respect to his own tenants; and I know no better rule of judging of the spirit of oppression. You may also judge the tenor of his conduct to his vassals, whether it is oppressive or not, by the opinion of the generality of the inhabitants, the commonalty, the vassals themselves, and the clergy. Tho' this way of forming one's judgment is inaccurate, and subject to fallacy, yet it is of no small weight, and cannot fail to strike a stranger, who has probably heard only one side of the question.

The voice of the commonalty ought to be first heard: It is of the most weight in this affair, because they speak from feeling and from experience.

They all, to a man, will acknowledge that M——'s tenants are the happiest in the country, that he is the best of masters, that the greatest blessing that could befall the country, would be that he was proprietor, as well as superior, of the whole islands; and that the tenants of the barony of *Birsay*, of which his L—— is sole proprietor, are the happiest in *Orkney*, and even preferable to many udalmen: Their firm opinion is, that M—— will prevail in the process now depending, notwithstanding the

the opponent's power and estate. They all sincerely wish he may succeed ; and it is the same thing whether this, their opinion, is founded on their sense of right and wrong, or merely connected with their own interest.

No body will doubt that it would be highly pleasing to all the gentry, and heritors of *Orkney*, without distinction, to have an ease of the feu-duties payable by them, which in many instances amount to half the gross rents of their estates, in some instances to more : Yet of the great croud of *Orkney* and *Zetland* heritors, only sixteen *Orkneymen*, in conjunction with G——, have thought it convenient, or just to lend their names to the prosecution against M——, notwithstanding the strongest solicitations used for that purpose. G—— was at the trouble to send an *Orkney* laird to *Zetland* to influence the gentry there, but not a single heritor could be prevailed on to concur, tho' honoured by his Lordship's letters of intreaty, and promise of patronage.

You will smile when I tell you that nine of the sixteen *Orkney* lairds, so violent in this process, are not worth 200 *l. Sterling* yearly rent, altogether ; five of the nine have not, on the whole, fifty pounds *per annum*. Is it not then to be presumed that a very great majority of the richest heritors did not consider M—— as an oppressor, nor the process against him as well founded ? Among that great majority there are as sensible men to be found as on the other side, who could be well advised in matters relating to
their

their interest, and, who would be eager enough to pursue it: It is not to be supposed that they would tamely compliment his L—— three-fifths of superior duty.

The clergy of *Orkney*, like the rest of the church of *Scotland*, are distinguished for their love of liberty; as they are placed betwixt the commonalty and the heritors, they must be good judges of the actors and sufferers of oppression:—I am acquainted with three fourths of them, and think them men of sense, probity, and great humanity: I have conversed with them frequently on these matters. They unanimously acquit M—— of the charge of oppression; but they are far from acquitting the heritors; many of themselves having been harassed and oppressed by them, merely for asserting the rights and privileges of their miserable fellow creatures. There is one clergyman engaged in this process; but I never heard any body talk of this circumstance as a proof either of his understanding or his gratitude; his brethren think him a good man, and excuse his conduct by some peculiarities in his circumstances.

Now, if M—— is thus acquitted by the general voice of the commonalty, by, at least, nine tenths of the gentry and landed interest, and by the clergy: If, farther, the process now depending against him shall be found without foundation, (and I hear it will, in a short time, be determined one way or other) then the poverty of *Orkney*, occasioned by oppression, must
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be charged on the lairds and heritors ; and they will find it very difficult to disprove the charge.

I can see very well, by your two last letters, that the tale of the increase of the standard weights, and of the oppression of the country by the family of *M——* has reached your ears ; but tho' this tale has been propagated with great art and industry, and tho' it has gained great credit at a distance, yet I can assure you that in *Orkney*, where the truth is better known, few wise or judicious men believe it.

I remember that, talking once on this subject, with one of the most sensible men in *Orkney*, I expressed my surprise at the plaintiffs bringing a charge of oppression against *M——*, considering the harshness, and inhumanity exercised by some of them towards their own tenants.

“ They are certainly wise, *replied he*, to take
 “ the first word of scolding, as they well know
 “ that the charge could be retorted on them-
 “ selves with more truth and justice : Besides,
 “ *added he*, a law suit will be always more e-
 “ ligible to idle men, bred to a taste of life a-
 “ bove their fortunes, than industry, and sim-
 “ plicity of life and manners.”

This naturally leads me to say something to you concerning the rise, progress, and state of factions and parties in *Orkney*, which have had bad effects as to the wealth of the country, and still worse effects on the minds of the people.

The ancestors of the generality of the present lairds in *Orkney* were mean men, feudars of the King's property ; by their tenures they became

became bound to pay the full rent, by way of
 feu duty: They were wise enough to reckon
 nothing their own, except what, by their labour
 and industry, they brought the ground to yield;
 over and above the rents payable to the supe-
 rior.—They were plain, simple, sober country
 men, frugal, industrious labourers, unacquaint-
 ed with tea, coffee, rum, silks and velvets:
 Their own country, and the surrounding sea,
 furnished their clothes, their meat, and their
 drink; their tenants were their friends and
 companions; every tenant feasted his laird, at
 least once a year, in the Christmas holi-days;
 these feasts are called *Boumacks* by the country
 people: A late landlord of a good estate, look-
 ing on these boumacks as what the tenant was
 obliged to give his master, converted the bou-
 macks of every house, on his estate, to four
 settins of malt, and charged that in his rental as
 a fixed and constant yearly rent; for now
 days most of these lairds would be affronted to
 sit down at a boumack with his tenants.

Many gentlemen of the present generation
 have exchanged the primitive simple life of their
 ancestors, for luxury and extravagance; they
 have not been bred to the plow, or to any in-
 dustrious employment; they cannot support an
 figure in life by diligence and labour; they are
 unwilling to banish luxury by returning to the
 paths of their wise and frugal ancestors. No
 wonder, surely, that a hue and cry of increase
 of weights, and oppression, once raised, met
 with great credit and belief among idle, vain,
 luxurious

luxurious men. The gentlemen of the best estates, and longest standing, have not as yet made any complaint of this kind; nor would there, in all probability, have been any clamour, or even whisper, of oppression, but for the following accident, which, as it serves greatly to illustrate the present subject, you'll forgive my being somewhat particular about it.

In the year 1733, or 1734, Sir *James Stewart* of *Burray* happened to differ with the gentleman who then acted as factor for *M—*; this gentleman, by the bye, had been very instrumental, as far as his interest could be of use, in saving the Knight from the gallows, for a very cruel murder, or rather assassination.

This fate he justly deserved for the grossest oppressions, cruelties, and barbarities committed by him in the islands of *Burray* and south *Ranaldsha*, and he had at last met with it for rebellion, if he had not died before his trial in the prison of *Southwark*.

About the same time one *James Macdonald* who had a living, under the factor, of three hundred merks a-year, happened to differ with his master, and was turned out of his office.

To be revenged of the factor, this Knight and his squire gave in a complaint against him to *Monk*, who made a journey to *Orkney* with no other intention, but to inquire into the justice of the complaint; and to give redress to the complainers; in case it should appear that they had been injured. The complaint was
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found groundless and they were publicly rebuked.

Unable to brook this affront, the Knight and his companion breathed nothing but revenge against his L——: You must have heard of a personal assault on M—— by Sir J—— S—— some years after this, and of a justiciary process in consequence of it.

But, from the time of their public rebuke, they were closely employed in meditating a surer revenge, by representing this nobleman and his predecessors as tyrants and oppressors, who had increased the country weights from time to time to an enormous height. This M—— was an antiquarian, (if you will allow that appellation to a man of small understanding, and giddy fancy, who employs his time in reading old papers, and musty records) he was of great use to the Knight in supporting the new broached doctrine of the increase of weights, by the arguments I have already mentioned, and by others equally fitted to impose on the understandings of weak and interested men. Great art and labour were assiduously employed to propagate the belief of this doctrine, which was eagerly embraced by many, as it was strongly connected with their interest; and as vain idle men, without industry, thought it an easy way of bettering their fortunes, by getting rid of the greatest part of the superior duties, heretofore payable by them: In consequence of which, a process was raised against M——, at the instance of the sixteen

Orkney

Orkney lairds before-mentioned, together with
G——.

Possibly the standard of the weights has been increased ; but, at the same time, you'll acknowledge, with me, that the principles on which this process was begun, afford very little ground for such a belief.

It would be tedious, and almost endless, to mention the various methods by which these men have, now many years, endeavoured to spread throughout the kingdom, a belief that they are a set of unfortunate men, groaning under the yoke of tyranny and oppression. Every one is master of the popular arguments, which they love to bring into all conversations and companies ; the unthinking are seduced ; even the lovers of liberty feel for their distress ; which, from the general presumption of northern tyranny, they are injudiciously enough apt to imagine real. Their clamour and outcry meets with more credit as M—— trusts solely to the merits of his cause, and totally disregards them. This way of acting may be fair and honest, but, in the mean time, his character and conduct are very unfairly traduced, and misrepresented.

The following anecdote will enable you to judge of the uncommon spirit by which the gentlemen who oppose his Lordship, are actuated.

Four of them, in *April* 1746, would needs fish in troubled waters : They signed a letter, addressed to the eldest son of the Pretender, or

to Lord *Macleod*, one of his commanding officers, in which letter they assured his Royal Highness (*for so they stiled the Pretender's son*) of all the assistance it was in their power to give him. This letter was intercepted a few days after its date, when *Macleod* was taken prisoner in *Sutherland*. In a short time after, warrants were issued to apprehend the four gentlemen, subscribers of the letter; they escaped, and their dwelling-houses were burnt by a party of marines: Their lives and estates were saved, by an act of indemnity passed in the following year; but, no sooner did they appear in public again, than they endeavoured to persuade the world, that it was by *M——*'s means alone, and because they stood champions for the liberties of their country that they had been so much distressed; and they were pleased to call themselves only *M——ian* rebels: Yet, surely had his *L——* been so inclined, he might, on so good reasons as they had furnished him with, have deprived them of his Majesty's clemency; at least, he could have got them excepted in the act of indemnity, until it was found whether or not they were proper objects of the royal mercy. You may ask, whether *M——* was in *Britain* at that time? No, Sir; at the date of their letter, and for some time after their houses were burnt, his Lordship was the *French* King's close prisoner in the *Bastille*. This is the truth of that story, but very different from the malicious account of it given
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by the partizans of the complaining party to all strangers.

Here is another instance (from numbers of them which I have heard) of the artful, and I think unfair management of the plaintiffs in this process.

In the year 1750, these gentlemen, or their friend and agent, J—— M——, printed a book at *Edinburgh*, intitled, *The general grievances and oppression of the Isles of Orkney and Zetland*. This book was not advertised to be sold by any bookseller; no copy of it could be procured by any indifferent man, not even by M—— or his factor, who were calumniated and defamed in it. I have heard there were only about fifty copies cast off, partly for their own use, partly for the use of those whose judgments they thought it worth while to anticipate, by a plausible, tho' partial account of their affairs. If this book, thus printed, and so carefully secreted from his L——p, is not a libel, in the most infamous sense of the word, I confess I know not what a libel is. An assassin, who stabs a man behind his back, acts not a baser or more unmanly part. I leave you to judge what truth or justice can be supposed in a cause which demands such aid and support.

Their enthusiasm and rage against M—— is equal to any religious enthusiasm, and to the rage of any bigots you have read of in history; the resemblance is very striking in their strong desire of making converts; so that I don't much wonder at their success, in propagating their
story

story of the oppression and tyranny of this family. But, I think it is not easy to understand of what service this popular clamour can be, in a process which concerns property alone, and which must depend on the proofs and facts adduced before that court, whose province it is to judge and determine in matters of property.

Nothing has contributed more to keep the flame of their enthusiasm alive, than a prevailing and strongly rivetted opinion, that their forefathers, in the days of yore, possessed great affluence, and enjoyed uncommon rights and privileges, of which, and of all other blessings, they are now deprived by oppression. One of them, on a certain occasion, exclaimed on the sad change of their situation, since the time when *Buchanan* stiled them *Principes* and *Nobiles*.

Great stress has been laid on this expression of the *Scots* historian. Unquestionably, if this gentleman's schoolmaster taught him to translate this, "the princes and nobles of *Orkney*," he has paid very dear for his own and his schoolmaster's dullness, and had much better never been taught a word of *Latin*; but, if the schoolmaster taught him, that this expression of the historian meant only lairds and gentlemen, in contra-distinction to the vulgar and commonalty, I am of opinion that he stands fairly acquitted of the charge of misleading his pupil into this expensive process, by a wrong translation of *Buchanan*.

The pedantry of that age, and the aristocracy of *Scotland*, justify the peculiarity of this,

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as well as of many other phrases in *Buchanan's* history. The high-sounding epithets of *Principes* and *Nobiles* might be applied by any historian, who writes in *Latin*, with as much propriety to the present as to the antient *Orkney* lairds, and will equally serve to denote a petty *Indian* King, and the meanest chief of a family in the north of *Scotland*. Our illustrious historian owns that he knew nothing of *Orkney* but by hear-say; however, as little as he knew, *Torphæus*, the vaunted historian of these islands, takes his account of them from *Buchanan*; as much as *Torphæus* is admired by our patriots, (for that is the name *M——*'s opposers chuse to distinguish themselves by) yet I can assure you, that his manner of writing, and the facts he narrates, are both contemptible in the utmost degree.

What the condition of the *Orkney* lairds was, not many years after *Buchanan's* death, you will see by two excerpts from the *Orkney* records, which I shall send you along with this letter, for your satisfaction in this particular. In those days, the gentlemen of *Orkney* seem to have had no high opinion of their condition, fortunes, and estates. We are only, say they, mean gentlemen, and farmers, payers of the rigs of the rental. Their successors are so at this day; and happy had it been for them, if they had still thought and acted as their ancestors, and not as men of fortune intitled to uncommon rights and privileges, which, in an evil hour for them, the discontented Knight, and his squire, the antiquarian, brought them

them to imagine they were, without any real foundation.

I assure you, Sir, that I would not have said so much on the subject of factions and parties, which at present divide and agitate the people of these islands; had I not been persuaded that faction is one of the principal causes of the decay of *Orkney*.

All the bad effects of faction are most severely felt in this remote corner: Amicable society, good neighbourhood, the tenderest relations and endearments of life, are destroyed by its rage; the peaceable simplicity of former ages has been forsaken for litigiousness; the inhabitants of these islands have rendered themselves utterly incapable of uniting in any scheme that can be beneficial to thier country; many families have, by their folly, lost the favour and kindness of their superior, who was their proper patron; these gentlemen have totally neglected the improvement of their own estates, for law-pleas and litigation; and, what is not the least evil, some valuable improvements, begun by *M——*, have been left unfinished; and many more, which might have been tried, have not been attempted, nor can be well done as long as this process about the weights remains undecided. It is therefore to be wished, on every account, that it was fairly ended, one way or other.

Thus, Sir, I have finished the task you assigned me; and am,

Your most humble servant, &c.

March 4th,
1757.

A P P E N D I X.

*Curia vicecomitatus Orcadens. tenta apud Kirkll.
in templo St. Magni ibidem P. Hon^{or}m. vi-
rum Henricum Stewart, vicecom. deputat.
ejusdem mensis vero Maii die octavo, anno
Dni. 1621.*

THE whilk day the said Sheriff depute sittand in judgement producit ane precept, direct forth of our S. Lords Chancellary, under the testimony of the great seal, for charging of all and sundry bishops, priors, abbots, barons, freeholders, and burgesles, within the said sheriffdome for their compearance before our Sov. Lord and his heiness Commissioners, in the parliat. to be holden at *Edr.* on *Friday* the first of *Junii* next to come, with continuation of days, as the said precept, of the date the sixth day of *March*, bypast, bears. And the haill gentlemen and suiters of court, for the maist part, of the said sheriffdome being present, after inspection of the said precept, and guid advice and mature deliberation had by them thereanent, declarit that they were convenit at that time for obedience of ane charge given by the said sheriff depute to them; bot they were not sic persons as were ordainit by our said S. Lord's precept to compear in parliat. seeing there was neither baron or burges within the said sheriffdome, nor men of that quality to
make

make choice of commissioners for compearance in parliat. and therefore protestt that they ought not only to be freed of any danger to be occurrit by vertue of our said S. Lord's precept but likewise of all sic citations and charges in time coming, in respect of their estate, and inhabilitie, being mean gentlemen, and farmourers. And zit notwithstanding thereof, they have given directions, and trutt to an Rev^d. Father in God George, Bp. of *Orkney* and *Zetland*, to mein this their reasonablc excuse to our said S. Lord, or his heinels commissioner and estates of parliat. to give satisfaction, and information anent the premisses, conform to their warrant direct thereanent; and thereupon askit acts of court, and likewise the said sheriff depute, upon his obedience and diligence, askit acts of court, &c. &c.

Fol. 229, Judicial act anent the electing of commissioners to parliat. 1629, where it is said, That the gentlemen in *Orkney* were no such men as should compear in parliat. being mean gentlemen, and farmourers, payers of the rigs of the rental.

Ibidem, Rot. Monteith of *Eaglesharw* voted that commrs. should be chosen to parliat. upon the votes being, whether they were such men as should compear there; and he was ready to contribute his part for bearing the expence, and protested he might therefore be free of any unlaw. &c.

